

HOUSE No. 3148

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the History of Slavery in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Byron Rushing	9th Suffolk
Willie Mae Allen	6th Suffolk
Ruth B. Balser	12th Middlesex
William N. Brownsberger	24th Middlesex
Steven J. D'Amico	4th Bristol
James B. Eldridge	Middlesex and Worcester
Kay Khan	11th Middlesex
Elizabeth A. Malia	11th Suffolk
Benjamin Swan	11th Hampden
Alice K. Wolf	25th Middlesex
David P. Linsky	5th Middlesex
Sean Garballey	23rd Middlesex
Gloria L. Fox	7th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE HISTORY OF SLAVERY IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 7 of the General Laws is hereby amended by adding a new Section:

For the purposes of this section, the following words shall, unless the context indicates otherwise, have the following meanings:

“Company” means any person, firm, corporation, partnership or combination of these.

“Contract” means any agreement, franchise, lease or concession including an agreement for any occasional professional or technical personal services, the performance of any work or service, the provision of any materials or supplies or rendering of any service to any state agency or state authority of the public, which is let, awarded, or entered into with or on behalf of any state agency or state authority.

“Enslaved Person” means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the Slavery Era.

“Investment” means to make use of an Enslaved Person for future benefits or advantages.

“License” means permission granted by a person to another to exercise a certain privilege or to carry on a particular business.

“Majority-owned subsidiary” means a company that is at least fifty-one percent owned by another company.

“Person” means any individual and any partnership, firm, association, corporation, or other entity, or their subsidiaries.

“Participation” means having been a Slaveholder during the Slavery Era.

“Predecessor Company” means an entity whose ownership, title and interest, including all rights, benefits, duties, and liabilities were acquired in an uninterrupted chain of succession by the company.

“Profits” means any economic advantage or financial benefit derived from the use of Enslaved Persons.

“Secretary” means the Secretary of Administration and Finance.

“Slavery” means the practice of owning Enslaved Persons.

“Slavery Era” means the period of time in the United States of America, Brazil, and the Caribbean prior to 1889.

“Slaveholder” means holders of Enslaved Persons, owners of business enterprises using Enslaved Persons, owners of vessels carrying Enslaved Persons or other means of transporting Enslaved Persons, merchants or financiers dealing in the purchase, sale or financing of the business of Enslaved Persons.

“Slaveholder Insurance Policies” means policies issued to or for the benefit of Slaveholders to insure them against the death of, or injury to, Enslaved Persons.

“State agency”, all awarding authorities of the commonwealth, including, but not limited to, all executive offices, agencies, departments, commissions, and public institutions of higher education, and any office, department or division of the judiciary.

“State authority”, shall include, but not be limited to the: Bay State Skills Corporation, centers of excellence, Community Economic Development Assistance Corporation, Community Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Capital Resource Company, Massachusetts Convention Center Authority, Massachusetts Corporation for Educational Telecommunications, Massachusetts educational loan authority, Massachusetts Health and Educational Facilities Authority, Massachusetts Higher Education Assistance Corporation, Massachusetts Housing Finance Agency, Massachusetts Horse Racing Authority, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal Assistance Corporation, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Nantucket Land Bank, New England Loan Marketing Corporation, pension reserves investment management board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, victim and witness board, and the Woods Hole, Martha’s Vineyard, and Nantucket Steamship Authority.

Section 2. Notwithstanding the provisions of any law to the contrary the Secretary of State is hereby authorized to publish a history of slavery in the Massachusetts Bay and Plymouth colonies and in the Commonwealth of Massachusetts and a history of the participation and involvement of the colonies and the Commonwealth in the slave trade and involvement in the slave trade of companies currently doing business with the Commonwealth.

Such publication shall include but not be limited to:

- 59 1. An examination of the institution of slavery which existed within Massachusetts and the colonies
60 that became Massachusetts. The publication by the Secretary of State shall include an
61 examination of:
- 62 a. The capture and procurement of Africans;
 - 63 b. The transport of Africans to Massachusetts for the purpose of enslavement, including
64 their treatment during transport;
 - 65 c. The sale and acquisition of Africans as chattel property in interstate and intrastate
66 commerce; and
 - 67 d. The treatment of African slaves in Massachusetts, including the deprivation of their
68 freedom, exploitation of their labor, and destruction of their culture, language, religion,
69 and families.
 - 70 e. An estimate of the value of the enslaved persons as capital property and the profits
71 accumulated by their ownership.
- 72 2. An examination of the extent to which the Federal government in Massachusetts and
73 Massachusetts colonial and state governments supported the institution of slavery in
74 constitutional and statutory provisions, including the extent to which said governments prevented,
75 opposed, or restricted efforts of freed African slaves to repatriate to their homeland.
- 76 3. An examination of other forms of Federal and Massachusetts laws that discriminated against
77 freed African slaves in Massachusetts.
- 78 4. An examination of other forms of discrimination in the public and private sectors against freed
79 African slaves in Massachusetts.
- 80 5. An examination of the participation and involvement of Massachusetts persons and companies in
81 the slave trade before 1638, during the period of legalized slavery in Massachusetts, and after
82 1790. Such examination will include estimates of the profits earned from such trade and
83 concomitant transactions.
- 84 6. Recommendations of appropriate ways to educate the Massachusetts public of the publication's
85 findings.
- 86 7. A section on certain information provided by companies doing business with the Commonwealth
87 regarding records of participation or investments in, profits derived from slavery, including
88 slaveholder policies that that it wrote either directly or through a predecessor company during the
89 slavery era.
- 90 Section 3. To assist in the creation of the aforementioned publication, the Secretary, state agency or state
91 authority shall require companies that have entered into a contract with the Commonwealth shall
92 complete an affidavit certifying that:

- 93 A. The company has searched any and all records of the company or majority-owned subsidiary and
94 any predecessor company or its majority-owned subsidiary regarding records of participation or
95 investments in, or profits derived, from slavery; and
- 96 B. The company has disclosed any and all records of participation in or profits derived by the
97 company or majority-owned subsidiary and any predecessor company or its majority-owned
98 subsidiary from slavery, including but not limited to, issuance of slaveholder insurance policies
99 provided by insurance companies, during the slavery era, and identified names of any enslaved
100 persons or slaveholders described in the records.
- 101 C. Subsections (A) and (B) of section 3 apply only to companies, majority-owned subsidiaries,
102 predecessor companies, and predecessor majority-owned subsidiaries in existence before 1889.